

Hargett, Jr. *et al.*  
Ser. No. 09/668,811  
Filed: 09/23/2000  
Page 5

Remarks

Applicants once again appreciate the Examiner's careful study of the pending application and claims. In the Official Action mailed February 27, 2004, the Examiner rejected Claims 23-26 and 28-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Pat. No. 6,287,526 to Hargett, Jr. Claim 32 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of the Hargett, Jr. '526 patent in view of U.S. Pat. No. 6,136,276 to Hargett, Jr. *et al.* Claims 23-26, 28-30, and 32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of the Hargett, Jr. '526 patent in view of U.S. Pat. No. 5,427,741 to Bennett.

Claims 23-26, 28, 30, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,270,010 to Lautenschlager in view of the Bennett '741 patent. These claims are further rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over the Lautenschlager '010 patent in view of the Bennett '741 patent in further view of DE 9311661 to Boeters. Claim 29 is rejected similarly and in further view of U.S. Pat. No. 3,426,940 to Brocman.

Furthermore, Claims 28-30 are objected to because they depend from a cancelled claim.

Applicants respond by disclaiming the patent term of this application that would extend beyond the patent expiration date of U.S. Pat. No. 6,287,526. The terminal disclaimer form with the information required to obviate a double patenting rejection over a prior patent as set forth in 37 CFR §1.321 is enclosed. In addition, the appropriate fee set forth in 37 CFR §1.20(d) is enclosed.

Hargett, Jr. *et al.*  
Ser. No. 09/668,811  
Filed: 09/23/2000  
Page 6

In the Claims:

Applicants respond to the various 35 U.S.C. §103(a) rejections by amending Claim 23 to incorporate the limitations of Claim 24. The choke cylinder of the instant invention is designed to urge against the inner circumference of the reaction vessel under high gas pressure to seal the vessel shut at the intended pressures. In contrast, the Lautenschlager '010 patent includes a disc-shaped lid provided with a rated break point, preferably formed by a weakening of the disc-shaped lid (column 4, lines 58-60). This is, in combination with the thrust piece, to allow a preset opening pressure for the valve (column 6, lines 1-14 and 36-41). Similarly, the Bennett '741 patent teaches a venting feature including a rupture disc that will rupture and vent gas pressure if subjected to more than the design pressure for the system (column 5, lines 30-42). Both the Lautenschlager '010 and the Bennett '741 patents fail to teach the urging of the choke cylinder against the walls of the vessel in order to maintain its integrity, *i.e.*, a self sealing vessel assembly. Rather the Lautenschlager '010 and the Bennett '741 patents teach away from the instant invention by teaching the rupture of a lid or cap mechanism to release gas pressure. Therefore, the Lautenschlager '010 and the Bennett '741 patents fail as a 35 U.S.C. §103(a) reference against the instant invention. Accordingly, the remaining combinations under 35 U.S.C. §103(a) also fail.

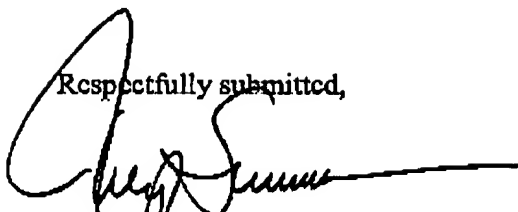
Claim 28 is amended to depend from Claim 23. This addresses the Examiner's objections to Claims 28-30.

Finally, the Examiner has not indicated the status of Claims 33-35. These claims were replaced in original form in the response to the Notice of Non-Compliant Amendment communicated to the Office by facsimile on December 17, 2003.

Based on the foregoing amendments, Applicants respectfully submit that Claims 23, 25-26, 28-30, and 32-35 are in condition for immediate allowance and the same is respectfully requested.

Hargett, Jr. *et al.*  
Ser. No. 09/668,811  
Filed: 09/23/2000  
Page 7

Respectfully submitted,

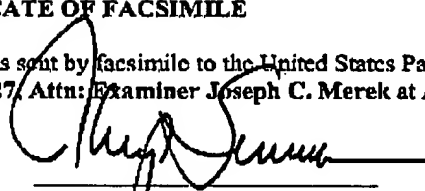


Philip Summa  
Reg. No. 31,573

021176  
SUMMA & ALLAN, P.A.  
11610 North Community House Road  
Suite 200, Ballantyne Corporate Park  
Charlotte, NC 28277  
Phone: 704-945-6700  
Fax: 704-945-6735

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is sent by facsimile to the United States Patent and Trademark Office, c/o Technology Center 3700, Art Unit 3727, Attn: Examiner Joseph C. Merek at After Final facsimile number 703-872-9303 on June 28, 2004.



Philip Summa  
Reg. No. 31,573

S:\FIRM DOCS\1700\80a\FinalReply062804.doc